

REMARKS

The above amendment and these remarks are responsive to the Office Action mailed 13 Jan 2005 by Examiner Rachel L. Porter.

Claims 1-19 and 22-26 are pending in the case, with claims 1, 6-11, 16-19, 22, 23, and 26 allowed, and the others not yet allowed.

Claim Objections

Claim 6 has been objected to for reciting "measurers" instead of "measures".

Applicants have amended claim 6 to replace "measurers"

END920000041US1

42 of 46

S/N 09/632,341

with metrics. Claims 4 and 10, which have the same error, have also been corrected, as also have two uses of the term in the specification.

35 U.S.C. 112 (first paragraph)

Claim 27 has been rejected under 35 U.S.C. 112 (first paragraph) as failing to comply with the enablement requirement.

Applicants have canceled claim 27.

35 U.S.C. 112 (second paragraph)

Claims 3-5, 12-15, 24-25, and 27 have been rejected under 35 U.S.C. 112 (second paragraph), as being indefinite.

With respect to claim 3, applicants have amended claim 3 and its base claim 1 so as to consistently use the term 'metrics'.

END920000041US1

43 of 46

S/N 09/632,341

With respect to claims 4 and 5, applicants have amended claim 4 as suggested to consistently use the term 'metrics', and thereby correct its dependent claim 5.

With respect to claims 12-15, applicants have amended claim 12 (and thereby its dependent claims 13-15) to provide antecedent basis for the recitation of "validating assumptions and behavioral expectations in said measurement solutions."

With respect to claim 24, applicants have amended the claim to use consistent terminology, as suggested by the Examiner.

With respect to claim 25, applicants have amended the claim to provide antecedent basis for the recitation of "validating assumptions and behavioral expectations in said measurement solutions."

With respect to claim 27, applicants have canceled the claim.

END920000041US1

44 of 46

S/N 09/632,341

Allowable Subject Matter

Claims 1, 6-7, 8-11, 16-19, 22-23, and 26 have been allowed, and claims 3-5, 12-15, and 24-25 have been found to present allowable subject matter subject to being amended to overcome the rejections under 35 U.S.C. 112 (second paragraph).

Applicants have canceled claim 27, and amended claims 1, 3, 4, 6, 10, 12, 24, and 25 to overcome the 35 U.S.C. 112 rejections.

SUMMARY AND CONCLUSION

Applicants urge that the above amendments be entered and the case passed to issue with claims 1-19 and 22-26.

The Application is believed to be in condition for allowance and such action by the Examiner is urged. Should differences remain, however, which do not place one/more of the remaining claims in condition for allowance, the Examiner is requested to phone the undersigned at the number provided below for the purpose of providing constructive

END920000041US1

45 of 46

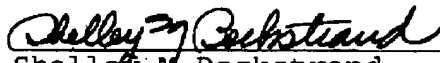
S/N 09/632,341

assistance and suggestions in accordance with M.P.E.P. Sections 707.02(j) and 707.03 in order that allowable claims can be presented, thereby placing the Application in condition for allowance without further proceedings being necessary.

Sincerely,

S. M. Jordan, et al.

By


Shelley M Beckstrand
Reg. No. 24,886

Date: 8 Apr 2005

Shelley M Beckstrand, P.C.
Patent Attorney
61 Glenmont Road
Woodlawn, VA 24381

END920000041US1

46 of 46

S/N 09/632,341